REMARKS

Claims 2-48 are pending in this Application. Currently no claims stand allowed. The Office Action dated July 22, 2004 rejected claims 2-48 and objected to claim 3. In this response Applicants have amended claim 3 to cure the objection raised in the Office Action. In addition, Applicants have amended claims 9, 26, and 33 solely to correct certain typographical errors in the previous presentation of these claims. Applicants have also added new independent claim 49. No new matter has been added by any of these amendments. Applicants have canceled, without prejudice, claims 6-7, 10-16, 27-28, 30-32, and 42-44, for reasons unrelated to the patentability of these claims. After entry of this amendment, claims 2-5, 8-9, 17-26, 29, 33-41, and 45-49 will be pending. Applicants submit that these claims are patentable for at least the reasons discussed below.

Objection and Claim Amendments

The Office Action objected to claim 3 because of an informality that has been corrected in this response. In view of this amendment, Applicants respectfully request that the objection to claim 3 be withdrawn. Although not objected to in the Office Action, claims 9 and 26 have been amended herein solely to correct the term "are" to "area." Dependent claims 17-18, 29, and 33-34 have been amended solely to incorporate the elements of the canceled intervening dependent claims from which they depend. In addition, new independent claim 49 has been added. No new matter has been added by any of these amendments.

Rejection under 35 U.S.C. § 103(a) of Claims 2-48

The Office Action rejected claims 2-5, 8-22, 25-38, and 41-48 as being unpatentable over Brendel et al. (U.S. Patent 5,774,660) in view of Hu (U.S. Patent 6,173,322) and further in view of Takahashi et al. (U.S. Patent 6,574,229). Applicants respectfully traverse this rejection.

In regard to independent claim 2, the claimed invention provides a method of "bridging disparate content delivery networks (CDNs) *across a plurality of zones* within a network." Also, independent claim 22 recites elements that are somewhat similar to, albeit different from, the elements of claim 2. Four of the five elements recited in claim 2, and the similar elements recited in claim 22, refer specifically to zones: "receiving a request from a client located within one of the plurality of zones," "determining network conditions . . . based on a determination of the load for each of the plurality of zones," "distributing the request to one of the plurality of zones," and "selecting one of a plurality of servers within the zone." All but the second of these elements referring to zones are also similarly recited in independent claim 38.

In contrast, no mention of zones is made in Brendel, Hu, or Takahashi, and the teachings of these three references do not include any zone-specific limitations or elements corresponding to any of the "zone" elements of Applicants' independent claims. Instead, the Office Action cites to three sections of Brendel in support of its contention that Brendel discloses the limitations taught by independent claims 2, 22, and 38. Office Action, pp. 2-3. However, these sections do not describe the inventive zone elements. Rather, they discuss the operation of a load balancer in a local network on incoming data packets (Brendel, col. 6, ll. 20-26), a round-robin DNS technique (*id.* at col. 5, ll. 33-40), and the nature of an IP address in a load balancing context (*id.* at col. 7, ll. 19-23).

Similarly, the Office Action asserts that Hu "teaches determining the load for each of a plurality of *servers*." Office Action, p. 3 (emphasis added). However, claims 2 and 22 clearly include the elements of "determining network conditions for the network based on a determination of the load for each of the plurality of *zones*" and "distributing the request to one of the plurality of zones based on the determined network conditions," which are not disclosed by Hu. The conceptual distinction between servers and zones is significant, and the Office Action has not identified any reference that teaches or suggests the determination and distributing elements as claimed with respect to zones. Rather, the Office Action cites a portion of Hu that refers to a need for distribution of web client requests across content servers (Hu, col. 2, ll. 15-16). Clearly, neither this nor any other part of Hu discloses or suggests determining network conditions based on zone-specific load determinations and distributing the request to one of the plurality of zones based on the determined network conditions.

The Office Action further argues that Takahashi "teaches receiving a request for access to resources associated with a domain name, resolving the Internet protocol (ip) address for the domain name." Office Action, p. 3. The Office Action goes on to assert that "it would have been obvious . . . to modify [Brendel in view of Hu] by selecting an IP address associated with a plurality of virtual servers and receiving a request and providing the selected IP address." Office Action, p. 3. However, the limitation taught by Takahashi is not an element recited by any of the pending claims. Instead, each of the pending independent claims includes "*resolving* an Internet protocol (ip) address of the selected server *so that the accessing of resources associated with the domain name at the resolved ip address will bridge CDNs*." The "selected server" is the server selected from among

the servers in the zone in which the client request was distributed based on determined network conditions.

In citing Takahashi, the Office Action points specifically to a background description of "related arts" that briefly discusses a round robin DNS approach to load balancing and makes a cursory reference to non-DNS load distribution using virtual servers. Takahashi, col. 1, ll. 23-65. However, neither this nor any other part of Takahashi refers to distributing a request to a particular zone, to selecting a particular server in that zone, or to resolving an IP address so that CDNs are bridged. In addition, the Office Action seems to conflate *resolving* a domain name into an IP address with the "selection" of a known IP address. Like Takahashi, neither Brendel nor Hu contain any express or implied reference to bridging content delivery networks across zones within a network.

In addition, independent claim 38 recites certain elements that do not have precise counterparts in independent claims 2 and 22. In particular, the computer-executable instructions in claim 38 include "determining a geographic location of the [client] request" and "distributing the request to one of the plurality of zones based on the geographic location" as well as network conditions. It is noted that in its discussion of the rejection of the three independent claims, the Office Action failed to address these elements of claim 38. "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." MPEP § 2143.03. Thus, since the Office Action has not indicated any references that teach or suggest all of the elements of claim 38, this claim is patentable over the cited references.

Therefore, since Brendel, Hu, and Takahashi, alone or in combination, fail to teach or suggest the invention as claimed in claims 2, 22, and 38, these claims are now in condition for allowance.

Furthermore, since claims 3-5, 8-9, and 17-21; claims 23-26, 29, and 33-37; and claims 39-41 and 45-48 depend from independent claims 2, 22, and 38, respectively, these dependent claims are allowable for at least substantially the same reasons set forth above with respect to independent claims 2, 22, and 38. Applicants have chosen to cancel claims 10-16, 27-28, 30-32, and 42-44, without prejudice, for reasons unrelated to patentability.

The Office Action rejected claims 6, 23, and 39 under 35 U.S.C. § 103(a) as being unpatentable over Brendel in view of Hu and Takahashi and further in view of Joffe et al. (U.S. Patent 6,185,619) and Guenther et al. (U.S. Patent 6,134,588). In addition, the Office Action rejected claims 7, 24, and 40 under 35 U.S.C. § 103(a) as being unpatentable over Brendel in view of Hu and Takahashi and further in view of Shah et al. (U.S. Patent 6,446,121) and Joffe. Applicants have chosen to cancel claims 6 and 7, without prejudice, for reasons unrelated to patentability. Applicants respectfully traverse the rejections of claims 23-24 and 39-40 for at least substantially the same reasons as presented above with respect to independent claims 22 and 38, from which claims 23-24 and 39-40 respectfully depend. Applicants submit that these claims are not rendered obvious by the suggested combinations of references and are therefore allowable.

CONCLUSION

In view of the foregoing remarks, Applicants believe that this response has addressed fully the concerns expressed in the Office Action and that this response places the pending claims in

condition for immediate allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of this Application, the Examiner is invited to call the undersigned attorney at the number listed below.

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Respectfully submitted,

By _____

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